



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
November 16, 2005
Approved December 21, 2005**

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Henry Korsiak
George Swallow
Kenneth Cichon, Associate Member

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

Minutes of September 14, 2005

Joanne Rogers moved, seconded by Dorothy Carrier to accept the minutes as printed. Four in Favor (John Papacosma, Dorothy Carrier, Joanne Rogers, Henry Korsiak) One abstained (George Swallow)

John Papacosma reviewed the Planning Board site visits on November 14, 2005, which were attended by Henry Korsiak, Dorothy Carrier, John Papacosma, Kenneth Cichon and Jay Chace, Town Planner.

OLD BUSINESS

No old business.

NEW BUSINESS

ITEM 1

05-11-01 Patrick F. Harty, (William and Nancy Keenan – Owners) Subdivision Amendment Review; Relocation of Lot Line, Shoreland Residential, Tax Map 15-193, 111 Ash Point Road, Harpswell.

Patrick Harty explained that a previous owner had purchased these two adjoining lots and built the structure on the lot line and now the current owner would like to move the lot line so that the house is entirely on one lot. Mr. Harty added that there are no other changes proposed.

Dave Znamierowski, 125 Ash Point Road, outlined the ways that this proposal would impact his property and his family's privacy in a negative manner.

Lorna Kaufman, abutter, stated that she is very opposed to this application and had placed restrictions in the deeds when she purchase lot 4 to limit the number of structures that can be built in this subdivision. She expressed her concern that this proposal would lead to a suburban subdivision look to this area.

Sam Alexander, Selectman, stated that ordinance standards only, and not deeds, were to be considered by the Planning Board.

Planning Board consideration of Subdivision Ordinance Section 9.

9.1 Conformance

Joanne Rogers moved, seconded Henry Korsiak, to find that the applicant meets the requirements of § 9.1 Conformance as it meets the minimum lot size. Unanimous Approval

9.2 Municipal Services

John Papacosma moved, seconded by Joanne Rogers, to find that the applicant meets the intent of § 9.2. Unanimous Approval

9.3 Preservation of Landscape

John Papacosma moved, seconded by Henry Korsiak to find that the proposal meets the requirements of § 9.3. Unanimous Approval

9.4 Lots

John Papacosma moved, seconded by Dorothy Carrier to find that the requirements for § 9.4 are being complied with. Unanimous Approval

9.5 Land not suitable for development

John Papacosma moved, seconded by Dorothy Carrier to find that the wetlands have been accounted for therefore § 9.5 has been met. Unanimous Approval

9.6 Required improvements

John Papacosma moved, seconded by Dorothy Carrier to find that the requirements of § 9.6 have been met with the condition that if this request is approved by the Planning Board that new lot markers be set. Unanimous Approval

9.7 Erosion and sedimentation control

John Papacosma moved, seconded by Dorothy Carrier to find that the requirements of § 9.7 have been met. Unanimous Approval

9.8 Utilities

John Papacosma moved, seconded by Joanne Rogers to find that there is no proposal to add to the existing utilities and therefore § 9.8 does not apply. Unanimous Approval

9.9 Construction in Flood Hazard Areas

John Papacosma moved, seconded by Dorothy Carrier to find there will be no change and therefore § 9.9 has been complied with. Unanimous Approval

9.10 Impact on Wetlands

John Papacosma moved, seconded by George Swallow to find that the applicant has met the requirements of § 9.10. Unanimous Approval

9.11 Impact on Groundwater

John Papacosma moved, seconded by Dorothy Carrier to find that the requirements of § 9.11 does not apply. Unanimous Approval

9.12 Stormwater Management

John Papacosma moved, seconded by Dorothy Carrier to find that the requirements of § 9.12 does not apply. Unanimous Approval

9.13 Offshore Islands

John Papacosma moved, seconded by Dorothy Carrier, to find that the requirements of § 9.13 does not apply. Unanimous Approval

9.14 Aesthetic, Cultural, and Natural Values

In light of comments from abutters with regard to a loss of privacy, the Planning Board discussed the following: conformity with wildlife management guidelines; impact to natural areas; shellfish habitats and marine environments; historic, archaeological, and scenic resources; compliance with Comprehensive Plan; and buffer strip.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant has met the standards of § 9.14. Unanimous Approval

9.15 Traffic

John Papacosma moved, seconded by Dorothy Carrier to find that there is no construction proposed by the applicant and therefore the intent of the ordinance is met at this time. Unanimous Approval

9.16 Homeowners/Landowners Association

Dorothy Carrier moved, seconded by George Swallow that there is no homeowners or landowners association and therefore § 9.16 does not apply. Unanimous Approval

Joanne Rogers moved, seconded by Henry Korsiak to find that the applicant meets the requirements of § 8.11 as detailed in the plan submitted to the Planning Board. Unanimous Approval

ITEM 2

05-11-02 James Herrick, (Charlotte Glynn – Owner), Reconstruction of a Non-Conforming Structure; Reconstruction on Existing Foundation and Removal of Shed, Commercial Fishing 1, Tax Map 55-73, 42 Wissman's Point, Harpswell.

Charlotte Glynn explained that she had inherited this property in the current condition and it was her plan to restore it to the original condition. Ms. Glynn stated that her proposal was to tear down the existing structure and shed. Ms. Glynn added would like to expand the new structure to the existing foundation. Ms. Glynn discussed erosion and the septic system.

Jay Chace, Town Planner, read a letter in support of the application from abutters and the letter was entered into the record.

Patrick Cahill, spoke in support of this applicant stating it would be an improvement to the neighborhood. Mr. Cahill also mentioned other reconstruction of structures in the area which had not been required to move to a less non-conforming location.

Sam Alexander stated that this property had been the subject of a Board of Appeals review.

Jay Chace, Town Planner, reported on his review of the existing Board of Appeals files for this site.

The Planning Board discussed the layout of the site, the proximity to the shoreline, erosion, condition of the foundation, condition of the structure, whether the foundation was grandfathered, location of the septic, vegetation, ordinance requirements, relocation of the structure, expansion, adjacent structures, slopes, and size and shape of the lot.

John Papacosma moved, seconded by Dorothy Carrier that upon review of the seven criteria of § 10.3.2.1 it is the judgment of the Planning Board that the structure can be placed in a less non-conforming site on the property and therefore on the basis of that judgment the application is denied. Four in favor (Dorothy Carrier, John Papacosma, Joanne Rogers, and Henry Korsiak) One abstained (George Swallow)

ITEM 3

05-11-03 John and Marcia Potter, (Edward and Judith Liston – Owners), Reconstruction of a Non-Conforming Structure; Removal of existing structures and construction of new dwelling, Commercial Fishing 1, Tax Map 47-59, 41 South Dyers Cove Road, Harpswell.

Marcia Potter explained the proposal to tear down the existing house and shed and relocate a new structure in a more conforming location. Ms. Potter discussed soils, septic and the foundation.

There being no comment from the members of the Planning Board, John Papacosma, Chair, opened the public portion of the meeting.

Tom Cole stated that it made a lot of sense to relocate the structure to the proposed site.

Tom Menet asked if the proposal was for a single family or would it be a rental unit.

There being no further comment from the members of the public present, John Papacosma, Chair, closed the public portion of the meeting.

Jay Chace, Town Planner, pointed to the Codes Enforcement memorandum and the set back from the road. Mr. Chace stated that the Planning Board did not have the authority to create a new non-conformity and that the overhang and front step would need to maintain the 25 road foot set back.

The Planning Board discussed the swimming pool, road setbacks, access during construction, § 10.3.2.1, reduction in non-conformity, and expansion percentages.

Joanne Rogers moved, seconded by Dorothy Carrier to find that under § 3.2.2.2 of the Shoreland Zoning Ordinance that this proposal meets the setback to the greatest practical extent based on the ordinance language with accommodation made so that there is no more than 20 percent of impervious surface according to the memorandum from the Codes Enforcement Office with the condition that the measurements should be verified prior to issuance of a building permit, that the structure be placed as close as possible to the 25 foot road setback with out intruding into that setback, and that it should be understood that small patios, and landings or small set of stairs may be accommodated for. Unanimous Approval

Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Joanne Rogers moved, seconded by John Papacosma to find that the application meets with the requirements of § 13.4.7.1 Will maintain safe and healthful conditions as it will result in fewer non-conformances from both the high-water mark and the traveled way. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Joann Rogers moved, seconded by Henry Korsiak to find that the application meets the requirements of § 13.4.7.2 in that the applicant has proposed that erosion control methods will be utilized during construction.

Dorothy Carrier recommended the motion be amended to include a restriction on the swimming pool discharge.

Joann Rogers moved, seconded by John Papacosma to amend the motion to read that the application meets the requirements of § 13.4.7.2 in that the applicant has proposed that erosion control methods will be utilized during construction and that there will be no discharge of treated swimming pool water into the ocean. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

John Papacosma moved, seconded by Henry Korsiak that the application meets the requirements § 13.4.7.3 pending approval by the state of the reconfiguration of the existing septic system. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the application meets the requirements of § 13.4.7.4 in that the proposal will not significantly alter use of the parcel and the non-conforming setbacks will be greatly reduced. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Joanne Rogers moved, seconded by John Papacosma to find that the application meets the requirements of § 13.4.7.5 as the proposal will not significantly alter the usage of the parcel. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Joanne Rogers moved, seconded by Dorothy Carrier to find that the application meets the requirements of § 13.4.7.6 as the site is not identified by either the Comprehensive Plan or the National Park Service.
Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Joanne Rogers moved, seconded by Henry Korsiak to find that the application meets the requirements of § 13.4.7.7 as the proposal will not significantly alter the usage of the parcel and the use of the property is consistent with the neighborhood. Unanimous Approval

13.4.7.8 Will avoid problems associated with flood plains development and use.

John Papacosma moved, seconded by Dorothy Carrier to find as the location is outside the floodplain zone that the requirements of § 13.4.7.8 do not apply. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Dorothy Carrier moved, seconded by Joanne Rogers to find that the proposal meets the requirements of § 13.4.7.9 as the proposal meets the requirements of § 15 in the Shoreland Zoning Ordinance and for those parts of the application that do not meet the requirements of § 15 the Planning Board has reviewed the necessary standards of § 10.3 of the Shoreland Zoning Ordinance. Unanimous Approval

John Papacosma moved, seconded by Dorothy Carrier that based on the Planning Board review of application in accordance with § 10.3.2.2 of the Shoreland Zoning Ordinance and § 13.4.7 of the Basic Land Use Ordinance the Planning Board approves the application with the conditions that the measurements be verified, that the 25 foot road setback not be intruded upon, that there be no discharge of treated swimming pool water into the ocean and that no building permit be issued until the Codes Enforcement Office receives state approval of the reconfiguration of the septic system. Unanimous Approval

OTHER BUSINESS

Jay Chace, Town Planner, suggested a workshop to discuss any proposed ordinance changes. The Planning Board agreed to hold a workshop on December 7, 2005 at 5:30

There being no other business before the Planning Board, **DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO ADJOURN.**

Meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant